

**TESTIMONY OF  
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IMMIGRATION AND NATURALIZATION SERVICE (INS)**

**BEFORE THE  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON COMMERCE, JUSTICE,  
STATE, AND THE JUDICIARY  
UNITED STATES SENATE**

**CONCERNING**

**THE PRESIDENT'S FY 2001 BUDGET REQUEST**

**March 7, 2000**

## **Introduction**

Thank you Mr. Chairman, Senator Hollings, and Members of the Subcommittee for the opportunity to appear before you today to discuss the President's Fiscal Year 2001 budget request for the Immigration and Naturalization Service (INS). It's important to view this last INS budget request made by the Administration as building upon the accomplishments achieved during the last seven years. With this budget, the Administration will have increased INS funding by 219 percent since FY 1993. Congress' support and their investment of resources have enabled INS to strengthen the Nation's immigration system -- from how we enforce the immigration laws to how we deliver services to our customers.

I would like to convey to the Subcommittee my thanks. It has been an honor and privilege to serve as the Commissioner of INS, and to work with this committee at a time of real growth and change. Our joint efforts have played a major part in changing the way that Americans think about immigration. Major corridors along our Southwest border are quiet as a result of our determination to stem the flow of illegal migration. Equally as important, the United States is welcoming unprecedented numbers of new, eligible immigrants to our shores to join us in building this great nation.

It is critical that we continue to build on this success. The President's Fiscal Year (FY) 2001 budget request for INS continues a multi-year border enforcement and service improvement strategy. In total, the FY 2001 request is \$4.8 billion, composed of \$3.266 billion in appropriated accounts and \$1.544 billion from fees. This budget represents an 11-percent (\$523.2 million) increase over FY 2000 and adds 1,305 new positions, allowing INS to grow to more than 33,100 positions by the end of FY 2001. With this budget, we continue our

commitment to improving customer service, facilitating legal immigration, deterring illegal immigration, and removing criminal and other illegal aliens from the United States.

## **Enforcement**

The Administration appreciates the support and resources Congress has provided during the past seven years which have enabled INS to expand its immigration enforcement programs.

### **Border Enforcement**

In the past seven years INS has achieved more in the area of border enforcement than had been achieved in decades. These achievements are a testament to the strategic approach to address the enforcement problems on the Southwest border. Prior to 1993, no comprehensive plan existed to control the 2,000-mile Southwest border. Ill-equipped Border Patrol agents and Inspectors were at times overwhelmed by aliens who stormed the border and ports-of-entry. Illegal immigrants often came freely into the country, undeterred by the federal officers who were charged with controlling their access to the United States. Additionally, legal traffic entering the country was subjected to interminable delays at ports-of-entry due to the low level of staffing at these ports.

To bring integrity and safety to the Southwest border, we developed a comprehensive, multi-year strategy, based on the concept of a border that works; one that deters illegal migration, drug trafficking, and alien smuggling, while facilitating legal migration and commerce. To achieve the goals of this strategy, the Administration requested and received high levels of personnel and resources.

The President's FY 2001 budget continues to build on what we have achieved. It includes \$164.2 million and 699 new positions to enhance INS' border management strategy. It strengthens enforcement efforts by funding 430 additional Border Patrol agents -- more than double the FY 1993 level. These additional Border Patrol agents will be critical to our efforts to expand integrity and safety to the borders, thereby improving the quality of life in border communities. In an environment of budget constraints and clear limitations, this budget reflects an increase in new agents that is achievable, while focusing on pay reform to enable INS to recruit and retain agents. The increase of 430 agents will bring the number of agents up to approximately 9,000, which represents a 127 percent increase over the FY 1993 level of 3,965 agents.

INS has worked extremely hard over the last few years to meet the challenges of hiring and retaining Border Patrol agents. A strong economy, offering opportunities in the private sector, has enticed many who may have considered a career in the Border Patrol. Retention is affected when experienced veteran Border Patrol agents leave, attracted by the private sector or by other opportunities in law enforcement offering more lucrative financial rewards. After impressive hiring successes in FY 1997 and FY 1998, averaging 1,020 net new agents per year, in FY 1999, INS was able to hire 1,126 new Border Patrol agents -- a net increase of 369 new agents after attrition.

We have taken action to address recruitment and retention problems. In January 2000, INS implemented a signing bonus program where new recruits are paid two thousand dollars upon the successful completion of the Border Patrol Academy training program. Through our National Recruitment Program (NRP) we are advertising extensively via the Internet, through

the use of “banner ads,” and the placement of job postings on various Internet sites such as monsterboard.com, Jobs4Police.com, JobDirect.com and JobTrak.com. In addition, there are 200 Border Patrol recruiters who conduct local and targeted recruitment in every state. These teams are responsible for attending local college and military recruitment fairs, conducting open houses, and placing local ads and public service announcements. Through the NRP, the Border Patrol will attend over 500 recruiting events this year.

To recruit new agents, improve retention, and reduce attrition, the President’s FY 2001 budget proposes upgrading the journeyman level Border Patrol agent position from a GS-9 to a GS-11. This upgrade recognizes that the nature of Border Patrol work has evolved to the point that agents routinely use advanced technology in the performance of their duties, just as investigators and intelligence agents do. The President’s FY 2001 budget seeks \$40.9 million to fund this element of pay reform for Border Patrol agents, as well as change overtime compensation so it is more consistent with other Federal law enforcement agencies.

Border Patrol agents are assisted and made more effective by investments in state-of-the-art technology. Technological improvements have played a key role in the success of INS' enforcement and facilitation functions.

The FY 2001 budget requests \$20 million to expand the deployment of Remote Video Surveillance Systems, the camera portion of the Integrated Surveillance Intelligence System (ISIS). The ISIS system extends the efficiency and effectiveness of the line-watch Border Patrol Agents on both the Northern and Southwestern borders. Where deployed, the system detects illegal aliens and drug smugglers, thus permitting agents to respond to incursions knowing in

advance what awaits them. The ISIS system with night and day surveillance cameras, used in conjunction with ground sensors, is linked to central controller centers so that Border Patrol agents can be dispatched with more strategic information about targets. False alarms are reduced, and officer safety and law enforcement effectiveness are increased immensely. In locations in Arizona, New Mexico, and Texas, this technology has had a dramatic effect on border control and management and increases the safety of officers who must respond to incursions. The proposed combination of new Border Patrol agents and surveillance technology will permit INS to gain control over larger portions of the border.

In FY 2001, INS is also requesting \$50.3 million to support new Border Patrol construction. This request will provide \$41.7 million for the construction of ten Border Patrol facilities. An additional \$4.5 million is being requested for the planning, site development, and design work required for construction of seven new facilities in future fiscal years. The record increases in Border Patrol staff have far outpaced INS' ability to provide adequate housing. These resources will allow us to continue to address space requirements and accommodate the growth in Border Patrol while providing our staff with safe and humane facilities.

The FY 2001 budget also maintains INS' focus on facilitating legal immigration by funding an additional 269 Immigration Inspectors, a 62 percent increase over the 1993 level. As a result of the dual focus on enforcement and facilitation, INS has been able to enhance its enforcement capabilities while reducing wait times for those seeking to cross the border legally at ports-of-entry. The positions included in the President's budget will enable us to staff, and meet established inspection times at new international airport terminals that are scheduled to be fully operational during FY 2000 and FY 2001. The positions will also support new port-of-entry

openings in FY 2000 in Eagle Pass, Los Tomates, and Laredo in Texas, and ensure that INS will be sufficiently staffed for peak travel times in the primary inspection lanes at these new ports. Additionally, 28 of these positions will handle increased workload at land border ports related, in part, to the expedited removal process.

The President's FY 2001 budget also seeks \$28.9 million for an upgrade for Immigration Inspectors of the journey level from GS-9 to GS-11. This reform recognizes the increased knowledge requirements and enhanced authorities and responsibilities of each inspector's position imposed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. These responsibilities include the ability to remove aliens attempting illegal or fraudulent entry into the United States. Pay reform for Immigration Inspectors will put INS in the strongest position to recruit new inspectors and retain experienced ones.

The border management strategy has proven that deterrence really works. We have implemented the strategy, corridor by corridor along the Southwest border -- including Operation Hold the Line in El Paso, Operation Gatekeeper in San Diego, Operation Safeguard in Tucson, and Operation Rio Grande in McAllen and Laredo. Initially, these operations produce a higher level of apprehensions. This phenomenon is a direct result of the increase in agents and technology deployed. However, as the operation becomes fully implemented and the Border Patrol gains control, the deterrent in that area leads to a sharp decline in apprehensions. The benefits from these operations are clear: Operation Gatekeeper in the San Diego Sector realized a decrease in apprehensions from 44 percent of total apprehensions along the Southwest border in FY 1993, to 12 percent in FY 1999, a twenty-five year low; Operation Hold the Line in El Paso produced a decline in apprehensions as a percentage of the total along the Southwest border from

24 percent to 7 percent during this same time period. Moreover, our border operations have also contributed to enhancing the quality of life for those who live along the Southwest border, as evidenced by falling crime rates in Laredo, Brownsville, San Diego, and elsewhere.

Our strategy to control the border has been extended to the McAllen Border Patrol Sector, the home of Operation Rio Grande. Apprehensions in the sector declined by 14 percent in January 2000 from those in January 1999, and are on target to reduce total apprehensions for FY 2000 in the sector by 22 percent from FY 1999's level. Projected declines in apprehensions for FY 2000 from FY 1999, at specific stations in the McAllen Sector are as follows: Brownsville Station, the heart of Operation Rio Grande, was down 46% for the month of January 2000, and is down 47 percent for the fiscal year; Port Isabel Station was down 40 percent for the month and 35 percent for the fiscal year; Harlingen Station achieved a 36 percent decrease for the month and is experiencing a 35 percent decrease for the fiscal year; and Kingsville Station, which covers the Sarita Checkpoint, and which was once the busiest corridor for alien traffic in the McAllen Sector, was down 20 percent for the month and is down 31 percent for the fiscal year. At the same time, Mercedes, McAllen, and Rio Grande City, which are upriver from the main targeted area, are all showing increases in apprehensions indicating that there is a very noticeable shift of alien traffic due to Operation Rio Grande.

Furthermore, in the McAllen Sector, apprehensions of Other Than Mexicans (OTMs) seem to also be decreasing. McAllen encountered 813 OTMs in December, but only 569 in January. This number is significant because December has historically been a slower month than January.

One area of concern in the McAllen Sector is in narcotics trafficking and interdiction. We have been making record seizures and are 36% above the value of narcotics seized in FY 2000 for the same period in FY 1999, even though the number of cases remains almost the same. In FY 1999 we realized an all time record year for narcotics seizures in the McAllen Sector, and it appears 2000 will be even higher. We remain optimistic that we can have an impact on the narcotic traffickers by forcing them to move out of the area or, preferably, change occupations.

In June 1998, INS launched a Southwest border-wide public safety initiative designed to educate migrants about the severe dangers associated with illegal crossings and to assist those who are in danger. The initiative was developed in cooperation with the Mexican government and state and local officials in border communities. In FY 1999, Border Patrol rescue efforts saved 1,042 persons in 200 rescue incidents. This initiative realized a 21 percent decrease in drowning deaths and a 41 percent decrease in heat-related deaths when comparing FY 1999 to FY 1998.

Under Operation Safeguard, Tucson Sector has been concentrating its efforts in certain targeted zones in the Douglas and Nogales areas. In the first quarter of FY 2000, compared to the last quarter of FY 1999, targeted zones in Nogales experienced an overall 44% decrease in apprehensions. Attempted entries have also declined during the period in these targeted zones.

In developing and implementing our border management strategy, we have always sought to integrate the activities between the ports-of-entry with those at the ports. We recognize that facilitation of legal cross-border traffic of people and goods is vital to the nation's economy. However, these ports are also the potential entry points for criminals and contraband. Thus, INS

seeks to work cooperatively with other Federal agencies, and in so doing has achieved impressive results.

In FY 1999, Immigration Inspectors encountered more than 525 million applicants for entry into the United States (115 million at the northern land border, 319 million at the southern land border, and 91 million at air and sea ports-of-entry). Currently, there are more than 4,900 Immigration Inspectors staffing America's ports-of-entry. More than 500 of these inspectors are located on the Northern border, 1,485 are located at ports along the Southwest border, and 3,044 are located at air/sea ports throughout the United States.

Over the last five fiscal years, the total number of people applying to enter the United States at its ports-of-entry has risen approximately 9 percent. In the course of inspecting these applicants, we have identified a 20 percent increase in the amount of document fraud. We have also increased enforcement actions, such as vehicle seizures 100 percent while increasing alien smuggling apprehensions at the ports 117.5 percent.

In August 1998, the Attorney General and the Secretary of the Treasury launched the Border Coordination Initiative (BCI). The BCI is a comprehensive effort by Federal agencies to create seamless immigration and narcotics enforcement through facilitation processes at and between border ports of entry, from Brownsville to San Diego, over the next five years. Currently, the BCI involves INS and the U.S. Customs Service. However, during FY 2000, we intend to involve other Federal agencies including the Coast Guard, the Department of Agriculture, the Federal Bureau of Investigation, and the Drug Enforcement Administration. In fact, the U.S. Coast Guard now has a full-time BCI Coordinator who is working with INS and U.S. Customs Service counterparts.

None of these accomplishments would have been possible without the continued support of the Subcommittee.

### **Interior Enforcement**

Interior enforcement is an essential complement to the Administration's overarching immigration enforcement strategy. INS' formal Interior Enforcement Strategy was presented to staff of the Appropriations Subcommittee in January 1999. The Strategy established the following priorities: identify and remove criminal aliens and minimize recidivism; deter, dismantle and diminish smuggling or trafficking of aliens; respond to community reports and complaints about illegal immigration and build partnerships to solve local problems; minimize immigration benefit fraud and other document abuse; and block and remove employers' access to undocumented workers. And, as you requested, we are rewriting and resubmitting the interior enforcement strategy to focus on alien removals as the end outcome measure. We have drafted an Addendum which clarifies the Subcommittee's requested changes to the strategy.

### **Detention and Removal of Illegal Aliens**

We have enhanced our ability to identify and disrupt criminal enterprises that engage in egregious violations of human rights and immigration law and strengthened our capacity to detain and remove aliens who have committed serious criminal offenses. The number of criminal aliens in detention has quadrupled from about 3,300 in 1994 to more than 12,000 today, while the number of criminal aliens removed doubled from 30,000 in 1994 to 62,800 last year.

The President's FY 2001 budget requests \$78.9 million to increase detention space in FY 2001 by 1,000 average daily state and local detention bed spaces. These resources are required to continue to comply with the mandatory detention requirements of IIRIRA. The

request includes 25 Deportation Officers, 67 Detention Enforcement Officers, and 17 support positions to sustain the 1,000 average daily bed spaces.

In FY 1999, INS utilized 442 high cost average daily juvenile bed spaces. The President's FY 2001 budget requests \$8.5 million to fund 120 critically needed juvenile detention bed spaces nationwide, bringing our average daily juvenile bed level to 562 bed spaces in FY 2001. These resources will also fund detention vehicles and other support equipment, as well as seven Deportation Officers, three Detention Enforcement Officers, and one Procurement Analyst to manage the cases, transport the detainees, and implement removals of these alien juveniles.

In FY 1999, INS increased its use of the Justice Prisoner and Alien Transportation System (JPATS) to move aliens to available detention space and to remove them from the United States. JPATS, created in 1995 by the U.S. Marshals Service and INS, is an air transportation system to transfer or repatriate federal prisoners and detainees. The President's budget for FY 2001 includes \$10 million to fund an increase of more than 16,000 air movements. In FY 1999, INS utilized 60,000 air movements to relocate, remove, and repatriate aliens. INS plans to increase to 72,000 movements in FY 2000 so that INS can progress toward its projected need of 85,000 total air movements in FY 2001.

INS has begun to implement a set of detention standards in some of the largest state and local facilities from which it rents detention beds. The President's FY 2001 budget requests \$8.6 million, 40 Deportation Officers, 37 Detention Enforcement Officers, and three Procurement Officers to continue to implement this program into 100 more of these state and local facilities, and maintain a minimum level of standards for INS detainees. Through this initiative, we will be

able to provide the same standards to our detainees who are housed in State and local facilities that we provide to our detainees who are housed in INS facilities. Our initiative to establish and maintain a set of minimum services for detainees originates with a fundamental belief held by INS, the Department of Justice, and public interest groups that INS should provide a minimum of proper and humane treatment for its detainees.

The President's FY 2001 budget requests \$8 million for 18 Deportation Officers and 32 program specialists to improve INS' use of the National Crime Information Center (NCIC) system, an FBI-operated database used to track criminals. INS is required by the NCIC covenants to enter the qualifying records related to wanted criminal aliens and deported felons into the NCIC database and maintain the active records on a regular basis. With the tremendous growth in the number of records that qualify for entry, INS has been hard pressed to enter all of those records qualifying for entry within the mandated 24-hour period. Included in this initiative are resources for alien detention, the installation of NCIC terminals and connections at INS District offices, detention vehicles, travel costs, and alien removals. The additional staff that is part of the request will allow INS to better coordinate the daily use of NCIC, validate the quality of records, confirm the accuracy of the data, respond to "hits" on INS records in NCIC, and take custody, transport, detain and remove aliens apprehended by other law enforcement agencies.

The request for detention facilities construction is \$26.8 million. Of this, \$10.4 million will enable INS to expand the Port Isabel SPC in the Rio Grande Valley with completion estimated in FY 2002. An additional request for \$9.5 million will expand the administration and court facilities at the Krome SPC in Miami; \$.8 million is requested to upgrade the San Pedro SPC in Los Angeles. The request includes \$4.1 million for the planning, site development, and

design work required to support three detention projects scheduled for future construction. Finally, we are requesting an additional \$2 million to provide for repair and alterations at other existing INS detention facilities.

The removal of criminal and other deportable aliens is the first priority of INS' comprehensive Interior Enforcement Strategy, and serves as a key performance measurement of the strategy. In FY 1999, we continued to emphasize removing deportable aliens from the United States, achieving 178,168 final order removals (62,838 criminal removals and 115,330 non-criminal removals of which 89,267 were expedited removals).

INS removed a total of 19,798 criminal aliens through the Institutional Removal Program (IRP) in FY 1999, an increase of approximately 46 percent over FY 1998. As you know, the IRP involves identifying, processing, and obtaining a decision on deportable inmates prior to their release from Federal, state and local institutions. The IRP's facilitation of the prompt removal of deportable inmates once their criminal sentences are complete saves resources that would otherwise have to be used by INS to keep the criminal aliens in its custody through the entire legal process. INS also obtains orders on, and removes, an additional 4,326 criminal aliens within one day of release from institutions. These "fast-track" and traditional IRP removals totaled 24,124 in FY 1999. Our IRP removal goal for FY 2000 is 25,700 criminal aliens; we are well on our way to achieving this goal -- during the first quarter of FY 2000, the IRP reported 5,763 removals.

In FY 1999, we removed 10,055 criminal aliens from the Federal IRP (9,179 obtained their orders in pre-release hearings, 876 received their orders within one day following release). We are now working with the Bureau of Prisons to increase the efficiency of the Federal program

in order to improve the number of aliens who receive a final order before, or on the day after, release from Federal prison. Additionally, by December 31, 1999, INS had completed installation of 15 of the 20 video teleconferencing sites approved by Congress. These sites are expected to play a significant role in speeding up removals.

Additional tools used to maximize the efficiency of the IRP program include full use of administrative removal and reinstatement of prior orders of removal. These types of proceedings can be completed without a hearing before an Immigration Judge, reducing the time needed to process an alien for removal. As a result of these tools, there is an expectation that the average length of stay in detention will decrease giving INS the capacity to detain more criminal aliens.

### **Investigations**

I am pleased to report to the Subcommittee that INS accomplished higher than planned numbers of large-scale criminal cases in FY 1999. We presented seven major inter-regional smuggling cases and 1,967 principals for prosecution, 378 large-scale fraud cases and 636 principles for prosecution, and 182 criminal cases against employers of unauthorized aliens.

As you directed, INS established Quick Response Teams (QRT), in FY 1999, to work with law enforcement officers at the State and local level in areas specifically identified as having a growing illegal immigration problem. QRTs are made up of special agents and detention enforcement officers deployed to INS District Offices and selected cities to coordinate detention and removal operations. The teams are not independent organizations within INS, but are part of the present organizational enforcement structure. We expect to see the dividends from the investment in QRTs during FY 2000. Indeed, with the opening of the first QRT office

on September 1, 1999, there has been a progressive increase in the number of requests for assistance from State and local law enforcement agencies. Additionally, the number of apprehensions made by QRTs has increased each month since September. In Savannah, Georgia, and in Raleigh-Durham, North Carolina, QRTs have already responded to local law enforcement calls, in separate incidents, leading to the arrests of two illegal aliens from Mexico who were each wanted there for murder; one was removed and transferred to Mexican custody, the other is pending removal. Additionally, at least three criminal cases have been accepted for prosecution including individuals being prosecuted for fraudulent document vending, alien smuggling, and re-entry after deportation of an individual with a prior narcotics conviction.

As of January 31, 188 of the 200 QRT officers have been selected with 161 having entered on duty at their QRT locations. Four of the new QRT facilities have been opened with the remaining 26 in the construction process. All of the QRT locations are staffed by a sufficient number of officers, and many are responding from temporary office space to requests for assistance by local law enforcement agencies.

The QRT training program is underway with the fifth training class currently in session at the Federal Law Enforcement Training Center in Glynco, Georgia. It is anticipated that the majority of QRT training classes will be completed by April with a final class for the outstanding selections to take place in July. There will be nine, two week sessions. All QRT officers will attend. Additionally, several officers who supervise QRTs from District offices will also attend the training sessions. The two-week training session contains training on professionalism,

enforcement authorities, QRT mission and objectives, self-defense techniques, updated computer training, media training, and constitutional law.

### **Immigration Services**

To sustain the efforts and successes of Immigration Services in FY 2001, INS' budget estimates \$807 million for the Examinations Fee Account, funded solely through the collection of fees from applicants. It also projects \$127.3 million in a new account, the Immigration Services Capital Investment Account (ISCIA). With these resources, INS projects tentative goals of completing 1.05 million naturalization applications and 600,000 adjustment of status applications in FY 2001.

The FY 2001 budget proposes a voluntary Premium Service Fee of \$1,000 for business cases, which will guarantee a decision to approve, deny, or notify the petitioner that additional documentation or information is required within 15 days. This fee will not apply to complex cases such as EB-5s. This voluntary fee will provide businesses with an option to expedite the regular processing of business cases which currently take from 60 days to more than one year, depending upon the form type and the service office. INS is unable to meet the demand for expeditious service to the business community without adversely impacting work on relative petitions and document applications. The Premium Service Fee will ease this situation and enable INS to address both the business and immigrant communities' needs for INS service. We see this voluntary fee as a "Win-Win" solution for all concerned, that is, businesses, immigrants, and the American taxpayer.

INS estimates that for FY 2001, the proposed Premium Service Fee could generate approximately \$80 million in additional revenue. Of the \$80 million generated, about \$25 million would be dedicated to providing both the expedited service for businesses, and benefit fraud deterrence. The remaining \$55 million would be applied to backlog reduction and capital investment items, such as infrastructure improvements, that will benefit all of INS' customers and help reduce the applications backlog.

The primary purpose for establishing the ISCIA account is to address ongoing infrastructure needs that are not currently covered by application fees. This marks the first time INS would have a dedicated fund, separate from the Examinations Fee Account (which is funded solely through application fees) that draws on other funding sources to pay for key service related initiatives. The ISCIA will be funded a total of \$127.3 million from three sources. The first source would be \$55 million from the voluntary Premium Service Fee (just discussed); the second source would be \$34.8 million in direct appropriations; and the third source would be \$37.5 million from the re-authorization of a permanent 245(i) adjustment of status program. The Administration estimates that the re-authorization of the 245(i) adjustment of status program, which provides relief for some immigrants already in the U.S., to be \$75 million. The budget proposes that half of the 245(i) receipts would support immigration services with the remaining used for detention purposes.

The funding in the ISCIA would be used solely for funding infrastructure improvements and addressing immigration benefit backlogs. Initiatives would include supporting systems upgrades, enhancing fingerprint storage and retrieval, and supplying more status information to customers through mechanisms such as INS' new nationwide toll-free information phone service.

The resources requested for Immigration Services in the President's FY 2001 budget will enable INS to continue to build upon its success in the area of services.

### **Naturalization**

In FY 1999, INS achieved its goal of naturalizing more than 1.2 million new American citizens. This was a 105 percent increase over the number of applications completed in the previous fiscal year. The agency is on track to meet its FY 2000 goal of completing 1.3 million naturalization applications. If naturalization applications are received as projected in FY 2000, INS will meet its commitment to cut the nationwide average application processing time down to six to nine months by the end of the year.

In FY 1994, INS had less than 300,000 pending naturalization applications and receipts totaled less than 600,000 during the fiscal year. Over the next four years, INS received almost five million applications, and approached two million pending applications by the end of FY 1998. Last year, INS reduced the number of pending cases by 500,000 and halved the national average projected processing time for naturalization cases from 28 months to 12 months.

During this period of tremendous growth, INS has faced the challenges of unprecedented increases in workload while adding staff and improving the integrity of the naturalization process. To meet these challenges, INS began to re-engineer the way it was doing business--one that focused on three areas: integrity and standardization, backlog reduction, and communication.

Since 1997, INS has ensured the integrity of the naturalization process by establishing Naturalization Quality Procedures (NQP). INS established Quality Assurance positions in the

field to institute quality in every District office. INS authorized 121 quality assurance analyst positions in FY 1998, putting at least one quality assurance professional, who reported to both Field Operations and the Office of Internal Audit, in each District office.

In FY 1998 and FY 1999, INS focused on improving the fingerprint program. INS standardized methods of making fingerprints thereby reducing rejection rates and turnaround times. INS, through the introduction of Application Support Centers (ASCs), collocated fingerprint offices and mobile routes and established fingerprint locations that are convenient to customers and provide high quality prints. Before ASCs, the FBI rejected up to 40 percent of the fingerprints submitted by INS for background checks and response times sometimes exceeded 60 days. In FY 2000, the reject rate has plummeted to 5 percent and turnaround time is less than 21 days.

INS has improved the process further by shifting preliminary review and processing of files to the Service Centers in order to allow officers more time to adjudicate cases. In this direct mail approach, all naturalization cases are sent first to a Service Center where Immigration Information Officers conduct a complete file review prior to shipping cases to the District offices for interviews.

INS has also worked hard to develop an automated case tracking system for nationwide distribution. INS' CLAIMS-4 system, which began operation in some INS offices in FY 1999, now allows for standardized case tracking of naturalization cases and is being installed across the Service.

INS has been looking for new ways to achieve significant backlog reduction throughout FY 1999 and FY 2000. To achieve this, INS field offices and Service Centers have developed individual goals, plans, and accountability standards required to reduce the backlog of naturalization cases and now adjustment of status cases. INS staff increased from 1,401 adjudication and naturalization field positions in FY 1994 to 2,517 positions in FY 2000.

Expanded contacts with its customers and the community will ensure INS can provide better service. INS has implemented a nationwide National Customer Service Center (NCSC), in Barbourville, Kentucky, that provides 24-hour automated service and access to Customer Service Representatives and Immigration Information Officers Monday through Friday (naturalization applicants may now use the NCSC to notify INS of a change of address). INS has expanded its relationships with immigration advocates, local officials, and community-based organizations.

Timely delivery of accurate information is critical to INS and was sorely missing in the past. In order for INS to perform its missions effectively, personnel must have complete and up-to-date information whenever an individual becomes the focus of a benefit or enforcement activity. INS officially dedicated a National Records Center (NRC) on February 25, 2000, as a part of the Immigration and Naturalization Services Records and Processes Improvement Design Project (RAPID). The NRC will help move INS' records and information delivery service and management into the 21<sup>st</sup> century. The NRC will benefit both INS' internal and external customers by improving data integrity and electronic database quality, consolidating and accounting for all paper holdings, giving customers a single place to go for files, centralizing records support operations, and controlling records processes and the maintenance of electronic data. The Center became operational and started receiving files from the more than 80 File

Control Offices on November 15, 1999, and expects to take delivery of the last of the over 20 million files, truly becoming INS' central records repository, by the end of FY 2001.

Finally, INS has utilized the Internet and published a guide in order to assist applicants with questions on the naturalization process. INS' naturalization website and pamphlet, "A Guide to Naturalization," have provided accessible but comprehensive information on eligibility for naturalization and the application procedures to the public. INS now provides readily available information on how to apply for naturalization, an eligibility worksheet, and access to automated tests for history and civics. Customers are better served by increasing the information available and by eliminating the need for many applicants to stand in line at a field office.

### **Adjudications**

INS has also positioned itself to take on other immigration benefit caseloads, particularly adjustment-of-status (I-485) applications and reduce unacceptable backlogs. In FY 2000, the agency plans to complete 500,000 adjustment of status applications — a 67 percent increase from the number of applications completed during the previous fiscal year. INS is also addressing the need to replace the several hundred thousand Alien Registration Receipt Cards ("green cards") that will expire this year by developing new procedures to reduce INS field office workload and applicant wait time for replacement cards. INS has made great strides in achieving solid results with the resources provided by Congress in FY 1999 and FY 2000.

Our goal and emphasis has been to provide maximum value. We intend to capitalize on our successes and intensify our focus on service. Although many re-engineering efforts are still

“in progress,” they have already brought about many qualitative improvements in the delivery of services. This trend will continue as re-engineering efforts mature.

Re-engineering, innovation, and use of smart technology solutions are essential management concepts that INS has embraced to continue its pursuit to provide the best level of customer service. During FY 1999, INS introduced a new Internet site to the public. The new site allows users to: 1) receive answers to the most frequently asked questions, 2) currently download most INS forms, with all of them on line within the next few months, 3) receive sample naturalization test questions, and 4) provide the latest news via immigration press releases. In FY 1999, INS recorded 4.5 million Internet user interactions. In FY 2000, INS is averaging 500,000 downloaded forms per month, and 550,000-650,000 user sessions per month at an average on-site time of 19 minutes per session.

### **Professionalism and Infrastructure**

For FY 2001, INS requests \$10.1 million to continue improving the institutional development and infrastructure needed to sustain the enormous growth in the workforce over the last seven years. In 1993, 30 percent of our positions were “support positions” and 70 percent were “mission positions.” Now, our “support positions” are only 24 percent of the total. We must increase support positions and infrastructure if we are to adequately support core missions.

Included in this initiative is a request for 50 positions (34 attorneys and 16 support personnel) to address understaffing in the Legal Proceedings Program. The program provides the full range of legal support for the Service, including representing INS before the Immigration Courts and the Board of Immigration Appeals. In addition, our attorneys (1) represent the

Service in labor-related cases, including Equal Employment Opportunity, Merit Systems Protection Board, and Federal Labor Relations Act matters, (2) represent the Service in tort claims filed against the agency, (3) represent the Service in contested naturalization and denaturalization hearings, (4) provide legal assistance in the formulation and implementation of regulations, (5) advise and represent the Service in special interest and other sensitive cases, (6) issue legal opinions in novel and complex matters, (7) provide legal advice to the Commissioner and other INS officials, (8) provide training on immigration law to agency officers, and (9) represent the Service in employer sanctions and conveyance seizure litigation. The success of the Service is intrinsically tied to the effectiveness of its legal representation.

The lack of a sufficient number of INS attorneys has coincided with a dramatic increase in both the number and the percentage of aliens granted relief from removal by Immigration Judges. According to statistics provided by EOIR, the number of aliens granted relief from removal increased by 414 percent between FY 1994 and FY 1999.

INS is also requesting 60 positions to support Financial and Debt Management Services. Plainly put, these are positions for the people who pay our bills, administer bond receipts, and ensure deposits are promptly made and accounted for. They are essential to the administration of this agency and will help us improve our overall financial management performance, including ensuring we receive an unqualified audit opinion on our financial statements.

In 1996, the Department of Justice's Management Division issued a report which in part stated that "the overall decline in INS' staffing in almost every major administrative activity

suggests a disturbingly weak administrative infrastructure which has been hard pressed to support the agency's mission effectively." With your help and support, we can begin to address this serious shortcoming.

### **Restructuring**

Over the past few years, the Administration worked in a close and bipartisan manner with Congress to improve INS' operations. In the same vein, the Administration today remains committed to addressing systemic problems, particularly those related to INS' dual and inter-related missions of service and enforcement. These systemic problems include competing priorities, insufficient accountability between field offices and headquarters, overlapping organizational relationships, and lack of consistent operations and policies.

The Administration's principles for a successful restructuring are that immigration enforcement and service missions must have separate and clear lines of authority at all levels, from the field to headquarters, and that the immigration agency must be led by a single executive with the authority and resources to integrate immigration policy, standards, and management operations.

This single executive, appointed by the President and confirmed by the Senate, is essential to maintain an appropriate balance between enforcement and services, while ensuring a coherent and coordinated national immigration policy. To be effective, this official must have the statutory authority and appropriate staff to direct operations and supervise key integration and oversight functions, such as legal counsel, financial management, policy, and communications.

## **Conclusion**

The FY 2001 request will ensure INS has the personnel and tools needed to carry out an effective immigration strategy. I look forward to continuing to work with the Subcommittee. With your support, we can carry forward the improvements made and continue to address problem areas and ensure the agency's integrity. I want to work with you as we continue our mutual efforts to make this nation's immigration system the best that it can be.

This concludes my formal statement on the Fiscal Year 2001 budget request for INS. I would be happy to answer any questions which you, Mr. Chairman, and Members of the Subcommittee may have.